

	) United States District Court
Andrew U. D. Straw,	) Northern District of Illinois
Plaintiff	)
	) Case No. 1:14-cv-5194
v.	) Jury Trial Not Demanded
American Bar Association Section of	)
Legal Education and Admission to	)
the Bar,	)
Yale Law School,	)
Harvard Law School,	)
Stanford Law School,	)
Columbia Law School,	)
Univ. of Chicago Law School,	)
New York University Law School,	)
Univ. of Pennsylvania Law School,	)
Univ. of Virginia Law School,	)
Univ. California-Berkeley Law School,	)
Duke University Law School,	)
Univ. of Michigan Law School,	)
Northwestern Univ. Law School,	)
Cornell Law School,	)
Georgetown Law School,	)
Univ. of Texas-Austin Law School,	)

UCLA Law School, )  
Vanderbilt Law School, )  
Washington U. St. Louis Law School, )  
Emory Univ. Law School, )  
George Washington Law School (DC), )  
Univ. of Minnesota Law School, )  
Univ. of S. California Law School, )  
Univ. of Alabama Law School, )  
William & Mary Law School, )  
Univ. of Washington Law School, )  
Notre Dame Univ. Law School, )  
Boston Univ. Law School, )  
Univ. of Iowa Law School, )  
Indiana Univ.-Maurer Law School, )  
Univ. of Georgia Law School, )  
Arizona State Univ. Law School, )  
Ohio State Univ. Law School, )  
U of N. Carolina Chapel Hill Law, )  
Univ. of Wisconsin Law School, )  
Wake Forest Law School, )  
Boston College Law School, )  
Brigham Young Univ. Law School, )  
Fordham Law School, )

Univ. of California Davis Law School, )  
Univ. of Arizona Law School, )  
U. of Ill., Urbana-Champaign Law, )  
S. Methodist Univ. Law School, )  
Univ. of Colorado Law School, )  
Washington & Lee Univ. Law School, )  
Florida State Univ. Law School, )  
George Mason Univ. Law School, )  
Tulane Univ. Law School, )  
Univ. of Maryland Law School, )  
Univ. of Florida-Levin Law School, )  
Univ. of Utah-Quinney School of Law, )  
Defendants. )

### COMPLAINT

Comes now plaintiff Andrew U. D. Straw, for my complaint for redress of damages from the American Bar Association Section of Legal Education and Admission to the Bar, et. al., defendants, for their violations of his civil rights under the Rehabilitation Act of 1973, §504, the Americans with Disabilities Act, Title II (for state university

defendants) and Title III (for private university defendants and the ABA):

### **STATEMENT**

1. Plaintiff alleges that he is a person with mental and physical disabilities. He has bipolar disorder. He also has injuries from a reckless driver hitting him on the way to work at the Indiana Supreme Court. These include a crushed hip and leg broken in four places; he has approximately 30 pins holding his hip and leg together, plus a total hip replacement.
2. His injuries give Straw standing to challenge discrimination on the basis of both physical and mental disabilities. He has standing here.
3. Straw is an attorney and practices disability rights law. He is also a political advocate for disability rights. (See Plaintiff's Exhibits 1 & 2)
4. Straw was recognized by the American Bar Association's Commission for Disability Rights as its "Spotlight" disabled American attorney for January of 2014. (See Plaintiff's Exhibit 2)

5. Straw has challenged disability violations in state and federal court on his own account, *pro se*, and before state and federal civil rights agencies, *pro se*. *Straw v. Chamber, et.al.*, 2013L063066 (Cook Cty Cir. Ct.), *Straw v. Kloecker, et. al.*, 14-1714 (U.S. Court App. 7<sup>th</sup> Cir.), *Straw v. Indiana Democratic Party*, 93A02-1406-EX-399 (Ind. Ct. App. 2014), *Straw v. Illinois*, CR-13-8 (U.S. Treasury), *Straw v. Indiana*, DJ# 204-26S-189 (U.S. Department of Justice).
6. Straw was found “qualified” by the U.S. Office of Personnel Management to be general counsel for the U.S. Access Board, the federal agency that establishes disability access standards in the United States, including for the Americans with Disabilities Act. (See Plaintiff’s Exhibit 3)
7. Straw has a Doctor of Jurisprudence degree from Indiana University-Maurer School of Law. Graduation: 12/31/1997
8. Straw is admitted to practice law in Virginia (1999) and Indiana (2002), and he alleges that he was discriminated against on the basis of disability by the Indiana State Board of Law Examiners in 2002. When he challenged the consent decree he was forced to

sign to get his license, alleging ADA Title II violations, the Indiana State Board of Law Examiners provided him an unencumbered license in 2006.

9. Straw wishes to write a dissertation and obtain a Ph.D. with his topic to be: discrimination on the basis of disability in law school admissions and state supreme court rules of admission and discipline, to cover all 50 states.
10. Straw's Ph.D. dissertation title is: "Combating Disability Discrimination in the U.S. Legal System." (See Plaintiff's Exhibit 6)
11. "All law schools approved by the American Bar Association are LSAC members..." (See Plaintiff's Exhibit 4)
12. Discrimination in law school admissions is universal. The Law School Admission Test was conducted by the LSAC so that disabled test-takers who asked for accommodations were "flagged" by its publisher, the Law School Admissions Council (LSAC). This "flagging" was then provided to the law schools. This of course is discriminatory, and the LSAC (with all ABA-accredited law schools as members) admitted as much in May of 2014 in its

consent agreement with the U.S. Department of Justice. (See Plaintiff's Exhibits 5 & 8)

13. Straw sought to know which law school was admitting the highest percentage of its class with disabilities, because his work is very sensitive and he wanted a school that is not discriminating as much as the others. Following the May announcement by the Department of Justice of LSAC's consent agreement, he began searching for such a school.
14. What Straw found is that none of the top 50 law schools, according to U.S. News & World Report, provide disability statistical information online regarding their classes.
15. All of them provide gender or minority status, or both. (See Plaintiff's Exhibits Class1-Class50)
16. All universities are required to have accommodations after admission, and this is not the issue for Plaintiff Straw. The issue is *discrimination in admissions* before students are even eligible to ask for those accommodations. Not providing information on class profiles allows schools to hide their poor records, and hide the likelihood that further discrimination is likely at that school.

17. Because all ABA-accredited law schools have been provided the “flagged” information to identify disabled students, and because all are on the LSAC which flagged these students for them, hiding disabled student statistics is these schools’ means to hide the discrimination in which they have been engaging through this system. The *law schools already discriminated and admitted as much*, since LSAC admitted it and they are *all members*.
18. These schools are leaders in the field of law, and graduated the top attorneys in law firms, government, and the private sector. When they discriminate, they create generations of lawyers with an artificially low number who have disabilities. That low number is not sufficient to meet the needs of the millions of Americans who have mental and physical disabilities.
19. This is what must change. Straw’s Ph.D. after years of experience will document the barriers in law school admissions and bar admissions that make the legal profession insensitive to disability rights, even when Congress voted unanimously to strengthen the ADA in both the United States House of Representatives and the United States Senate. Those unanimous

changes reversed five U.S. Supreme Court decisions limiting disability rights, and those reversed decisions are a symptom of the problem.

20. When the law schools hid class profile disability information, it affected Plaintiff Straw's ability to choose a school that discriminates less, since he has mental and physical disabilities himself and he is studying this phenomenon. He alleges that a school that discriminates less will be more supportive of his work, and less likely to undermine his work.

21. The American Bar Association Section of Legal Education and Admission to the Bar mandates its Standard 509 form for all accredited law schools to report information about the schools. (See Plaintiff's Exhibits 509.1-509.50)

22. Disability is not a mandated information regarding law school classes on the 509 form. (See Plaintiff's Exhibits 509.1-509.50)

23. When Straw asked, the American Bar Association refused to adjust its 509 form to include disability statistics in class

information. This is wrong, contrary to law and human rights, and the ABA must change the form.

24. The refusal injured Straw, since he seeks to do his Ph.D. at a school that publishes this information to reduce the chance of discrimination to himself. Disability discrimination in the legal system and barriers to becoming a lawyer or judge with disabilities are the battleground of a hot civil rights war. Following the LSAC's defeat in discriminating with the very test used by law schools in admissions, the LSAT, it is time to find out the raw numbers of students with disabilities as a benchmark.

25. Women needed these statistics decades ago, and now we can see officially (on the 509 form) how most schools have about 50% women now. Minority students needed these statistics decades ago, and now we see how most schools have improved these numbers also. Students with disabilities need these statistics just as much to combat discrimination and make choices about where to study. Law schools may not make the specious argument that asking admitted students these numbers is discriminatory. They have already discriminated; the purpose of asking (with

anonymity) now is to record these raw numbers and use them as a benchmark to evaluate future classes and progress.

26. Plaintiff Straw needs the numbers, as he was not only discriminated against by this lack of information, but he needs it for his work. This very discrimination is the topic of his Ph.D. dissertation. (See Plaintiff's Exhibit 6)

27. Straw is well prepared, and the U.S. government has affirmed it. In May/June of 2014, Straw was deemed highly qualified, and referred to the hiring official at the Library of Congress (to be an Administrative Librarian), the U.S. Department of Transportation (to be the Director, Departmental Office of Human Resources Management), and the U.S. Army (to be Attorney Advisor, Army Medical Command). (See Plaintiff's Exhibit 7)

28. Straw believes that not providing the information he requested creates an *information barrier* to admissions for himself and to his Ph.D. work, since students with disabilities like himself were being discriminated by every single one of these law schools

through their membership in the discriminating Law School Admission Council. (See Plaintiff's Exhibits 5 & 8)

29. Congress has found in 29 U.S.C. §701 that:

“(5) individuals with disabilities continually encounter various forms of discrimination in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and public services; and”

“(6) the goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to—

(A) make informed choices and decisions; and

(B) achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency, for such individuals.”

30. These “top 50” law schools, as defined by the U.S. News and World Report rankings, have discriminated, and continue to discriminate. These “top 50” law schools have refused to provide “the tools necessary to make informed choices and decisions” about which school to attend.

31. Straw wished to attend a school that discriminates less on the basis of disability, as is his right, and these schools are hiding which school that is. These law schools are hiding their history of discrimination from students by hiding their disability enrollment statistics. They are hiding their current discrimination in the latest class, even after LSAC admitted what their discriminatory scheme was: flagging LSAT scores, then identifying students who had flagged scores to LSAC's members, all ABA-accredited law schools.

32. The American Bar Association is assisting these "top 50" law schools in discriminating by not mandating disability statistics on its Standard 509 form. The 509 form should show how many students with mental and physical disabilities are in law school classes, just as it does minority status or gender.

33. Without this benchmark, schools will have no motivation to change and take affirmative steps to reverse the discrimination that has existed up to this time.

34. This discrimination has harmed prospective Ph.D. student Andrew Straw in his seeking a university that discriminates less,

and it harms every disabled prospective law student, who deserve to know which schools were discriminating against them in the severest and most basic ways, and which schools were doing better.

35. Straw wishes also to know the disability statistics in employment of law school teaching staff, for the same reasons. Disabled professors will teach in a manner that is more sensitive to these human rights, Straw alleges.

**AMERICANS WITH DISABILITIES ACT, TITLES II AND III**

36. The ADA, Title II, prohibits public entities such as law schools at public universities from discriminating. 42 U.S.C. §12132. “Subject to the provisions of this subchapter, **no qualified individual with a disability shall**, by reason of such disability, be excluded from participation in or be denied the benefits of **services, programs, or activities** of a public entity, or **be subjected to discrimination by any such entity**.”

37. The ADA, Title III, prohibits private entities such as law schools at private universities from discriminating as “public accommodations.” 42 U.S.C. §12181(7)(J).

38. 42 U.S.C. §12182(a) General rule:

39. “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.”

40. 42 U.S.C. §12182(b)(1)(D)

(D) Administrative methods

An individual or entity shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration

(i) that have the effect of discriminating on the basis of disability; or (ii) that perpetuate the discrimination of others who are subject to common administrative control.

41. 42 U.S.C. §12182(b)(2)(A)(ii) prohibits:

42. “a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity

can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;”

43. In the case of these “top 50” law schools, all of them discriminated under the terms of their consent agreement with the Department of Justice in May of 2014. Not providing the statistics allows them to perpetuate their own discrimination with no oversight.
44. The law schools have agreed that they discriminated, because all are members of the Law School Admission Council, and all received the “flagged” scores.
45. The terms of that agreement did not include the positive step of mandating them to provide statistics on disabled students in law school classes, but this is **absolutely necessary to ensure discrimination stops**, and to see the extent of the discrimination that has been happening under the previous discriminatory LSAT-“flagging” regime. Similarly, it is necessary to reveal the disability statistics of law school teaching staff, because these staff

run law schools, participate in hiring deans, and participate in admission decisions.

**REQUEST FOR RELIEF**

46. Plaintiff Straw respectfully seeks no monetary damages against the American Bar Association Section on Legal Education and Admission to the Bar, but instead appropriate injunctive relief. Straw respectfully requests that this honorable Court provide injunctive relief to mandate that the American Bar Association will immediately include disability (both mental and physical) statistics about both law student classes and faculty members on its Standard Form 509. Law students from each incoming class and professors teaching at each school should be required to provide this information in an absolutely confidential manner, **just as they do with gender and minority status.**
47. I respectfully request \$400 from the American Bar Association to reimburse my court filing costs here, plus \$300 to pay for my other costs incident to filing, i.e., postage. Defendant American Bar Association has taken part in the “flagging-discriminating-hiding statistics” system which has heretofore been

used to exclude disabled law students. Its Standard Form 509 does not ask for disability statistics, and this has been the excuse law schools give in not providing this vital information. Forcing the ABA Section of Legal Education and Admission to the Bar to include disability on its mandatory form 509 is critical to addressing disability discrimination we know is taking place. The ABA accredits law schools, and its lack of leadership has encouraged law schools to discriminate, knowing full well that the ABA has not made them reveal their discrimination in mandated statistics.

48. Plaintiff respectfully further requests that this honorable Court provide injunctive relief to mandate each law school defendant to immediately survey each class currently in the law school and provide to Plaintiff Straw the disabled student enrollment statistics at that school, and the rate of mental and physical disability in the teaching staff employed at each school. The legal authority for this is the Americans with Disabilities Act, Titles II and III.

49. LSAC admitted that its flagging of disabled students' scores was a discriminatory scheme by the Council to exclude disabled students from law school. ALL ABA-accredited law schools were participating.

50. As a physically and mentally disabled prospective Ph.D. student, I need this information to make informed choices about these schools, and I am entitled to this information by law. I respectfully request that the schools disgorge this information.

51. The remedy here is for the schools not just to provide accommodations for students with disabilities, but to let the world know how much they have discriminated, and that is precisely what Plaintiff Straw is asking for, as he intends to publish these statistics in his Ph.D. dissertation and in an appropriate law journal. The 509 form is published by each and every ABA-accredited law school each year. Changing this form is therefore absolutely essential.

52. Beyond that, law schools also have obligations to make up for their hundreds of years of past discrimination starting immediately. Straw respectfully requests that this Honorable

Court provide injunctive relief to mandate all of these 50 law schools to reveal to Straw the disability statistics of its law professors. This is just as important as law school class profiles, and it will show which schools have the most professors sensitive to these issues. This will allow prospective students to choose with adequate information, as required by law.

53. Straw respectfully seeks statistics that will serve as benchmarks to show whether schools improve in their admission practices and employment of law teaching staff.
54. These reports should appear in the same place that race and gender information appears about each class. Every student should be required to provide this information, but anonymously, to the school, and then the school should be ordered to provide this information to Plaintiff Straw as statistics (raw numbers of students and faculty with a mental or physical disability out of total numbers of students and faculty) with no identifying information.

## **JURISDICTION**

55. The Court has jurisdiction over this action pursuant to 42 U.S.C. §12133 (public law school defendants) and 42 U.S.C. §12188(a)(1) (private law school defendants), and 29 U.S.C. §794(a). The Court may grant injunctive relief pursuant to the Americans with Disabilities Act, 42 U.S.C. §§12101, 12188(a)(2). Therefore, this case is under federal question jurisdiction under 28 U.S.C. §1331.

## **VENUE**

56. Venue lies in this District and this Division pursuant to 28 U.S.C. § 1391 because the plaintiff lives in Cook County, Illinois, and discrimination took place there. The American Bar Association Section of Legal Education and Admissions to the Bar is located in this federal District, in Chicago. All of the law schools are subject to the federal laws mentioned, and they advertise on the Internet with web pages, and appear on the Internet within the Northern District of Illinois. Straw downloaded the 509 forms and the class profile information on his laptop in Streamwood, Illinois.

I, Andrew U. D. Straw, provided the above statements and verify under penalty of perjury that they are true to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in black ink, reading "Andrew U. D. Straw". The signature is fluid and cursive, with the first name "Andrew" being the most prominent.

ANDREW U. D. STRAW

241A Brittany Drive

Streamwood, IL 60107

Telephone: (574) 971-0131

Fax: (877) 310-9097

Email: andrew@andrewstraw.com

Date: this 9<sup>th</sup> Day of July, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I electronically filed the foregoing:

COMPLAINT, EXHIBITS 1-8, EXHIBITS 509.1-509.50, EXHIBITS CLASS1-CLASS50, and CIVIL COVER SHEET

with the Court using the CM/ECF system, which will serve the attached on all counsel of record. In addition, I am serving all of the following defendants the COMPLAINT on disk, plus EXHIBITS 1-8 on disk, plus EXHIBITS 509.1-509.50 on disk, plus EXHIBITS CLASS1-CLASS50 on disk, plus Requests for Waiver of Service of Summons with two copies of Waiver of Summons forms, with a postage-paid return envelope, via certified U.S. Mail:

Yale Law School  
127 Wall Street  
New Haven, CT 06511

Harvard Law School  
1585 Massachusetts Avenue  
Cambridge, MA 02138

Stanford Law School  
Crown Quadrangle  
559 Nathan Abbott Way  
Stanford, CA 94305

Columbia Law School  
435 W. 116 Street  
New York, NY 10027

Univ. of Chicago Law School  
1111 E. 60<sup>th</sup> Street  
Chicago, IL 60637

New York University Law School  
40 Washington Square South  
New York, NY 10012

Univ. of Pennsylvania Law School  
3501 Sansom Street  
Philadelphia, PA 19104

Univ. of Virginia Law School  
580 Massie Rd  
Charlottesville, VA 22903

Univ. California-Berkeley Law School  
Boalt Hall 215  
Berkeley, CA 94720-7200

Duke University Law School  
210 Science Drive  
Durham, NC 27708

Univ. of Michigan Law School  
625 S. State Street  
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Cornell Law School  
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Ithaca, NY 14853

Univ. of Texas-Austin Law School  
727 E Dean Keeton Street D1800  
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Vanderbilt Law School  
131 21<sup>st</sup> Ave South  
Nashville, TN 37203

Emory Univ. Law School  
1301 Clifton Rd  
Atlanta, GA 30322

Univ. of Minnesota Law School  
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Mondale Hall  
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101 Paul Bryant Drive  
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Univ. of Washington Law School  
4293 Memorial Way NE  
Seattle, WA 98195

Boston Univ. Law School  
765 Commonwealth Ave  
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Indiana Univ.-Maurer Law School  
211 S. Indiana  
Bloomington, IN 47405

Northwestern Univ. Law School  
357 East Chicago Avenue  
Chicago, IL 60611

Georgetown Law School  
600 New Jersey Avenue, NW  
Washington, DC 20001

UCLA Law School  
385 Charles E. Young Drive East  
Los Angeles, CA 90095

Wash. U. St. Louis Law School  
1 Brookings Drive  
St. Louis, MO 63130

Geo. Wash. Law School (DC)  
2000 H Street, NW  
Washington, DC 20052

Univ. of S. California Law School  
699 Exposition Blvd.  
Los Angeles, CA 90089-0071

William & Mary Law School  
613 S. Henry St.  
Williamsburg, VA 23187

Notre Dame Univ. Law School  
1100 Eck Hall of Law  
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280 Boyd Law Building  
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Iowa City, IA 52242

Univ. of Georgia Law School  
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Arizona State Univ. Law School  
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U of N. Carolina Chapel Hill Law  
Van Hecke-Wettach Hall  
160 Ridge Rd  
Chapel Hill, NC 27599

Wake Forest Law School  
1834 Wake Forest Rd  
Winston-Salem, NC 27109

Brigham Young Univ. Law School  
366 JRCB  
Provo, UT 84602

Univ. of California Davis Law School  
400 Mrak Hall Drive  
Davis, CA 95616

Univ. of Illinois Urbana-Champaign  
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202 Law Building, MC-594  
504 E. Pennsylvania Avenue  
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Univ. of Colorado Law School  
Wolf Law Building, 401 UCB  
2450 Kittredge Loop Rd  
Boulder, CO 80309

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George Mason Univ. Law School  
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Baltimore, MD 21201

Univ. of Florida-Levin Law School  
309 Village Drive  
Gainesville, FL 32611

U. of Utah-Quinney Sch. of Law  
332 S. 1400 East Rm 101  
Salt Lake City, UT 84112

American Bar Association  
Section of Legal Education and Admission to the Bar  
321 N. Clark Street, 21st Floor  
Chicago, IL 60654

Dated this 9th day of July, 2014

A handwritten signature in black ink, reading "Andrew U. D. Straw". The signature is written in a cursive style with a horizontal line underneath.

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